

United States District Court

for the
Western District of New York

United States of America

v.

Case No. 18-M- 84

Titus Thompson

Defendant

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about May 18, 2018, in the Western District of New York, the defendant, having been convicted of a crime punishable by imprisonment for a term exceeding one year, knowingly did unlawfully possess, in or affecting commerce, firearms: a Glock, Model 23, .40 caliber pistol, bearing serial number DRY120 and FN, Model FNS-9C, 9mm pistol, bearing serial number CSU0058308, in violation of Title 18, United States Code, Section 922(g)(1) and 922(a)(2).

This Criminal Complaint is based on these facts:

☒ Continued on the attached sheet.



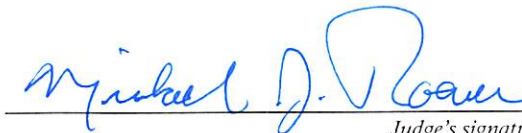
Complainant's signature

PAUL BROSTKO
Special Agent
BUREAU OF ALCOHOL, TOBACCO,
FIREARMS & EXPLOSIVES

Printed name and title

Sworn to before me and signed in my presence.

Date: May 18, 2018



Judge's signature

City and State: Buffalo, New York

HONORABLE MICHAEL J. ROEMER
UNITED STATES MAGISTRATE JUDGE

Printed name and title

AFFIDAVIT

STATE OF NEW YORK)
COUNTY OF ERIE) SS:
CITY OF BUFFALO)

PAUL E. BROSTKO, Special Agent (SA) of the Bureau of Alcohol, Tobacco and Firearms (ATF), United States Department of Justice, Buffalo, New York, having been duly sworn, states:

1. I am a Special Agent (SA) with the Bureau of Alcohol, Tobacco and Firearms (ATF) and, as such, I am an “investigative or law enforcement officer” of the United States within the meaning of Section 2510(7) of Title 18, United States Code, that is, an officer of the United States who is empowered by law to conduct investigations of, and to make arrests, for enumerated offenses. I am presently assigned to the Buffalo, New York Field Office. Your affiant has been employed as an ATF Special Agent for approximately fourteen (14) years. During his tenure, your affiant has prepared and assisted in the execution of numerous search and arrest warrants for, and has been involved in, numerous criminal investigations of various violations of the Federal Firearm and Explosives Laws.

2. As a result of working on this case with other Task Force Officers (TFOs), and other law enforcement agencies, including the Buffalo Police Department (BPD), I am familiar with the circumstances of the offenses described in this affidavit. I have reviewed the police reports and complaints generated by the Buffalo Police Department in connection with

a search warrant of 89 Parkridge Avenue, Lower and Upper Apartment, Buffalo, New York, and I have reviewed evidence obtained during this investigation. My investigative experience, and that of other law enforcement officers participating in this investigation, serves as the basis for the opinions and conclusions set forth herein. As it is my purpose to obtain a Criminal Complaint for which only probable cause is required, I have not included each and every fact learned during the investigation to date.

3. For the following reasons, your Affiant submits that there is probable cause to believe that on May 18, 2018, **TITUS THOMPSON**, a person who has been convicted in a court of a crime punishable by imprisonment for a term exceeding one year, possessed a firearms which has been shipped or transported in interstate or foreign commerce, in violation of Title 18, United States Code, Section 922(g)(1).

FACTUAL BASIS

4. On May 18, 2018, the Bureau of Alcohol, Tobacco and Firearms (ATF) and members of the Buffalo Police Department (BPD) and with executed a state of 89 Parkridge, Upper and Lower Apartment, Buffalo, New York. A relative of **THOMPSON** stated that **THOMPSON** utilizes both the Upper and Lower Apartment. Furthermore, a receipt bearing **Titus THOMPSON**'s name was recovered at that address. During the search of the residence, agents recovered a Glock, Model 23, .40 caliber pistol, bearing serial number DRY120. Also, recovered from the residence was an FN, Model FNS-9C, 9mm pistol, bearing serial number


CSU0058308. Both the above-mentioned firearms and receipt were recovered in the Upper Apartment utilized by **THOMPSON**.

5. On May 18, 2018, ATF Special Agent (SA) William Farnham, inspected the above stated firearms in order to determine the point of manufacture of the above referenced firearms. SA Farnham has had extensive specialized training in the determination of the origin and place of manufacture of firearms. SA Farnham stated that the above-described firearm, a Glock, Model 23, .40 caliber pistol, bearing serial number DRY120 and FN, Model FNS-9C, 9mm pistol, bearing serial number CSU0058308 was manufactured outside of the state of New York and therefore would have to have traveled in and affected interstate commerce prior to its recovery on May 18, 2018, in Buffalo, New York. In addition to the above listed firearms recovered from the Upper Apartment, several firearms were recovered in the Lower Apartment (further described in attached photograph).



6. A review of **THOMPSON**'s criminal history indicates that **THOMPSON** has been convicted of two felonies. On November 18, 2011, **THOMPSON** was convicted upon a plea of guilty in Erie (NY) County Court for Attempted Criminal Possession of a Controlled Substance in the Fourth Degree, a Class D felony, for which **THOMPSON** was sentenced on November 18, 2011, to a term of imprisonment of two (2) and half (1/2) years. Also, on October 22, 2007, **THOMPSON** was convicted upon plea of guilty in Erie (NY) County Court for Attempted Assault in the First Degree: Intent to Cause Serious Injury with Weapon, a Class E felony, for which **THOMPSON** was sentenced on May 11, 2005, to a term of imprisonment of three (3) and half (1/2) years . Both of these above-described felony convictions are punishable by terms of imprisonment exceeding one-year.

WHEREFORE, based on the foregoing, I submit that there is probable cause to believe that on or about May 18, 2018, **THOMPSON**, a person who has been convicted in a court of a crime punishable by imprisonment for a term exceeding one year, possessed a firearms which has been shipped or transported in interstate or foreign commerce, in violation of Title 18, United States Code, Section 922(g)(1).



Paul Brastko
Special Agent
Bureau of Alcohol, Tobacco, Firearms
and Explosives

Sworn to before me this

18th day of May, 2018.



HONORABLE MICHAEL J. ROEMER.
UNITED STATES MAGISTRATE JUDGE